

4.24 Prescribed Fire and Smoke Easements. Prescribed fire is a valuable tool that improves wildlife habitat, perpetuates fire-dependent ecosystems, including the dependent plant and animal species, that reduces understory growth and the buildup of vegetative fuels which reduces the risk of property loss from severe wildfires and that is a part of best practices for timber management. Each Owner and Occupant, and each tenant, guest and invitee of any Owner or Occupant acknowledges and understands that prescribed fires will be conducted on the Properties and the areas adjacent to the Properties, including the Francis Marion National Forest, that smoke and airborne particulate matter will result from such controlled burning and that there may be inconveniences, discomfort and minor property damage resulting from prescribed fires. The Declarant, acting in its sole and absolute discretion, retains the right, but not the obligation, to engage in forestry management plans and practices on the Properties, including prescribed fires to the extent that such practices are permitted by applicable state and federal law and hereby reserves a smoke easement over and across the Property for airborne smoke and particulates resulting from any prescribed fires. Each Owner on behalf of the Owner, Owner's employees, lessees, invitees, clients, customers, guests, contractors or agents or Occupants of its Unit waives all claims with respect to such prescribed fires against Declarant, all Declarant-Related Entities, the Association, and their respective contractors, agents or employee to the extent such prescribed fire was conducted in accordance with applicable regulations. Owner agrees that if Owner or Owner's employees, lessees, invitees, clients, customers, guests, contractors or agents enter onto any area of prescribed burning, they do so at their own risk, and that the Declarant, all Declarant-Related Entities, the Association, and their respective contractors, agents or employees shall not be liable for any damage, loss or injury to such persons.